

UNITED STATES DISTRICT COURT

**District of Oregon
Portland Division**

Metabolic Maintenance Products, Inc.,

Plaintiff(s)

vs.

Case No: 3:10-CV-1504-BR

Blistex, Inc.,

Defendant(s).

Civil Case Assignment Order

(a) Presiding Judge: The above referenced case has been filed in the US District Court for the District of Oregon and is assigned for all further proceedings to:

Presiding Judge Hon. Anna J. Brown

Presiding Judge's Suffix Code* BR

*These letters must follow the case number on all future filings.

(b) Courtroom Deputy Clerk: Questions about the status or scheduling of this case should be directed to Bonnie Boyer at (503) 326-8053 or bonnie_boyer@ord.uscourts.gov

(c) Civil Docket Clerk: Questions about CM/ECF filings or docket entries should be directed to a civil docket clerk at (503) 326-8000.

(d) Place of Filing: Pursuant to LR 3-3 all conventionally filed documents must be submitted to the Clerk of Court, Room 740, Mark O. Hatfield United States Courthouse, 1000 S.W. Third Avenue, Portland, Oregon 97204. (See also LR 100-5)

(e) District Court Website: Information about local rules of practice, CM/ECF electronic filing requirements, and other related court information can be accessed on the court's website at www.ord.uscourts.gov.

(f) Consent to a Magistrate Judge: In accordance with 28 U.S.C. Sec. 636(c) and Fed. R. Civ. P. 73, all United States Magistrate Judges in the District of Oregon are certified to exercise civil jurisdiction in assigned cases and, with the consent of the parties, may also enter final orders on dispositive motions, conduct trial, and enter final judgment which may be appealed directly to the United States Court of Appeals for the Ninth Circuit.

Parties are encouraged to consent to the jurisdiction of a Magistrate Judge by signing and filing the Consent to Jurisdiction by a United States Magistrate Judge (a copy of the consent form is included with this assignment order). There will be no adverse consequences if a party elects not to file a consent to a Magistrate Judge.

Additional information about United States Magistrate Judges in the District of Oregon can be found on the court's website at www.ord.uscourts.gov.

Dated: December 8, 2010

By: /s/ M. Kenney
M. Kenney, Deputy Clerk

For: **Mary Moran, Clerk of Court**

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Discovery and Pretrial Scheduling Order

In order to facilitate and expedite discovery and the effective management of this case, the Court orders that:

(a) Corporate Disclosure Statement: In accordance with Fed. R. Civ. P. 7.1, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

(b) Initial Conference of Counsel for Discovery Planning:

- (1)** Except in cases exempted under Fed. R. Civ. P. 26(a)(1)(B), upon learning the identity of counsel for Defendant(s), counsel for the Plaintiff(s) must initiate communications with counsel for Defendant(s).
- (2)** All counsel must then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all Defendants have been served (See LR 26-1).
- (3)** Counsel should also discuss their client's positions regarding consent to a Magistrate Judge and Alternate Dispute Resolution options.
- (4)** If counsel for all of the parties agree to forgo the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See LR 26-2). Whether or not the parties agree to forgo the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See LR 26-1).

(c) Rule 16 Court Conference for Scheduling and Planning: Counsel for Plaintiff(s) and for Defendant(s) must, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a LR 16-2 conference for scheduling and planning.

At the conference the parties will be prepared to discuss discovery, consent to a Magistrate Judge, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (See LR 16-2).

(d) Pretrial and Discovery Deadlines: At the Initial Discovery Planning Conference referenced in paragraph (b) above, counsel should attempt to agree on one or more dates when they must:

- (1)** File all pleadings pursuant to Fed. R. Civ. P. 7(a) and 15;
- (2)** Join all claims, remedies and parties pursuant to Fed. R. Civ. P. 18 and 19;
- (3)** File all pretrial, discovery and dispositive motions;
- (4)** Complete all discovery; and
- (5)** Confer as to Alternate Dispute Resolution pursuant to LR 16-4(c).

The dates agreed upon by counsel should be communicated to the Court, and the Court will then issue a scheduling order which may include the agreed upon dates and/or set a Rule 16 Conference. Until the Court enters a subsequent scheduling order, the deadline for items (1) through (5) above will be 120 days from the date of this order.

(e) Pretrial Order Deadline: Unless otherwise ordered by the court, not later than 30 days from the date discovery is to be completed (item(4) above), counsel must lodge a Joint Pretrial Order (See LR 16-6), and file a Joint Alternate Dispute Resolution Report (See LR 16-4(d)).

(f) Service of this Order: Counsel for the Plaintiff must serve this order, and all attachments, upon all other parties to the action.

Dated: December 8, 2010

By: /s/ M. Kenney
M. Kenney, Deputy Clerk

For: Mary Moran, Clerk of Court

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Fed. R. Civ. P. 26(a)(1) Discovery Agreement

In accordance with LR 26-2, I state that the parties who have been served and who are not in default, have agreed to forego the disclosures required by Fed. R. Civ. P. 26(a)(1).

DATED:

Signature:

Name & OSB ID:

e-mail address:

Firm Name:

Mailing Address:

City, State, Zip:

Phone Number:

Parties Represented

cc: Counsel of Record

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**Consent to Jurisdiction by a Magistrate Judge
and Designation of the Normal Appeal Route**

In accordance with Fed. R. Civ. P 73(b), as counsel for the party (parties) identified below, I consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders on dispositive motions, trial, and entry of final judgment. I understand that withholding consent will not result in any adverse consequences. In accordance with Fed. R. Civ. P. 73(c), I agree that any appeal from a final order or judgment entered by a United States Magistrate Judge shall proceed directly to the United States Court of Appeals for the Ninth Circuit, and not to a District Judge of this Court.

DATED:

Signature:

Name & OSB ID:

e-mail address:

Firm Name:

Mailing Address:

City, State, Zip:

Phone Number:

Parties Represented

cc: Counsel of Record

US District Court – Oregon
Civil Case Management Time Schedules

Local Rule	Event or Requirement	Time Frame	Comment
LR 16-1(d)	Discovery and Pretrial Scheduling Order (with attachments)	Issued by the clerk's office at the time of filing, along with the summonses	Required to be served on all parties by the filing party
LR 26-1	Initial Conference for Discovery Planning	Within 30 days from service of the last defendant	Held between parties
LR 16-2(a)	Rule 16(b) Conference	Scheduled by the assigned judge after the required LR 26.1 Discovery Conference	Affirmative duty on all counsel to contact the assigned judge's courtroom deputy (See LR 16.2(a))
LR 16-4(c)	ADR Conference Requirements	Within 120 days from the date the discovery order is issued	Parties must confer with other attorneys and unrepresented parties to discuss ADR options
	Joint Status Report	Within 120 days from the date the discovery order is issued	Required in cases assigned to Judges Hogan and Jones
LR 16-2(e)	Completion of Discovery	Unless otherwise ordered by the court, within 120 days from the date the discovery order is issued	Discovery deadlines are set forth in the Discovery and Pretrial Scheduling Order
LR 16-4(d)	Joint ADR Report	Within 150 days from the date the discovery order is issued	The parties must file a Joint ADR Report
LR 16-6	Joint Pretrial Order	Unless otherwise modified pursuant to LR 16.6(a), within 150 days from the date the discovery order is issued	PTO filing deadline is established in the Discovery and Pretrial Scheduling Order
LR 16-4(f)(1)(D)	Notice to the Court that the Parties Are Unable to Select a Volunteer Mediator	Within ten (10) days after entry of a court order directing reference to a volunteer mediation	Plaintiff's attorney is responsible for notifying the court
LR 16-4(h)(1)	Notification of Private ADR Results	Within seven (7) days after the conclusion of private ADR proceedings	Plaintiff's attorney is responsible for notifying the court
LR 16-4(h)(2)	Report of Court Appointed Private or Volunteer Mediation	Promptly if no settlement is achieved	Court appointed private or volunteer mediator is responsible for notifying the court